

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant(s): Antonius EMMERINK et al.
Appl. No.: 10/088,683
Conf. No.: 4836
Filed: July 9, 2002
Title: COMMUNICATIONS SYSTEM
Art Unit: 2616
Examiner: J. M. Philpott
Docket No.: 118990-028

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

I. INTRODUCTION

Appellants submit Appellants' Reply Brief in response to the Examiner's Answer dated December 7, 2007 pursuant to 37 C.F.R. § 41.41(a). Appellants respectfully submit the Examiner's Answer has failed to remedy the deficiencies with respect to the Final Office Action dated February 22, 2007 and the Advisory Action dated June 4, 2007 as noted in Appellants' Appeal Brief filed on November 1, 2007 for at least the reasons set forth below. Accordingly, Appellants respectfully request that the rejections of pending Claims 1-17 be reversed.

II. The rejection of claims 1-17 under 35 USC 102(e) as anticipated by Gardner (US Pat. No. 6,982,950) should be reversed

Appellants respond to the Examiner's arguments set forth in the "Response to Argument" section, beginning on page 9 of the Examiner's Answer.

1. Garnder fails to disclose first and second types of communication devices

Appellant respectfully disagrees with the Examiner's arguments. Gardner teaches three different types of switching systems (note: although "device" is recited, the term "switching device" does not appear in Gardner). It is well understood by the skilled artisan that a system in telecommunications consists of several devices that interact amongst each other. However, the term "system" would not be construed as a single device, and therefore the term "switching system" is not a subset of "communications device."

Additionally, a switching device or a switching system is not a terminal, since communication data does not originate or terminate therein. Rather, data is forwarded by the switching device/system. Hence, the skilled artisan would not interpret the terms as a "communication device" but rather as a communication terminal. Even Gardner itself agrees with this interpretation. See Gardner at col. 4, line 58 to 59: "A call can be connected to and from a communication device." Moreover, Gardner differentiates between the use of the terms "communication terminal" and "switching system."

2. Signaling Originates at the Central Device and Gardner Fails to Disclose Signaling the First and Second Types of Communication Devices to Control the Setting Up and/or Clearing of the Communications Link

Appellant respectfully disagrees with the Examiner's arguments. The phrase "signaling takes place from a central device" refers to the types of communication device signaled (to other entities) such that the control of setting up and/or clearing can be performed according to the type of communication device. The Examiner, on the other hand, appears to incorrectly interpret this limitation in such a manner that signaling is to

the first or second type of communication device (signaling devices according to the invention could, for example, be a character string describing the type of communication device or some signaling bit). However, Gardner only discloses that something is signaled but not what is signaled. That is, the Examiners interpretation that the content of the control messages is signaled is not disclosed.

Additionally, Gardner teaches that each switching device establishes a connection after the signaling takes place (as noted by the Examiner). This implies that Gardner does not differentiate between the switching devices. Hence, the skilled artisan would understand that neither the type of a switch has to be signalized nor the address of a particular switch has to be signalized, because regardless of the particular switch or type of switch all switches are establishing connections.

III. Conclusion

For the foregoing reasons, Appellants respectfully submit that the Examiner's Answer does not remedy the deficiencies noted in Appellants' Appeal Brief with respect to the Final Office Action. Appellants respectfully submit that the Patent Office has failed to demonstrate anticipation under 35 USC 102(e) with respect to the rejections of the claims. Accordingly, Appellants respectfully submit that the rejections are erroneous in law and in fact and should therefore be reversed by this Board.

No fee is due in connection with this Reply Brief. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 118990-028 on the account statement.

Respectfully submitted,
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